

Notice of Allowability

Application No.

09/764,377

Examiner

KIEU-OANH BUI

Applicant(s)

SAKAMOTO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication with applicant's representative on 10/05/2007.
2. ☒ The allowed claim(s) is/are 1,3,4 and 6-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KIEU-OANH BUI
Primary Examiner
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EXAMINER'S AMENDMENT

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Donna K. Mason on October 05, 2007.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1; on page 2, line 9; change the dependency from "...a table of protocols for..." to -- a first table of protocols for--.

In claim 1; on page 2, line 12; change the dependency from "...wherein the table includes..." to -- a first table includes--.

In claim 1; on page 3, line 5; change the dependency from "...the table in respect..." to -- the first table in respect--.

In claim 1; on page 3, line 8; please insert "...; and" right after ".....transmission".

In claim 1; on page 3, line 9; please insert "means for managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for the video content transmission, said managing means including a second table

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storing information indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use, wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use.”

In claim 4; on page 4, line 9; change the dependency from “....a table of protocols for....” to -- a first table of protocols for--.

In claim 4; on page 4, line 12; change the dependency from “....wherein the table includes....” to -- a first table includes--.

In claim 4; on page 5, line 3; change the dependency from “....of the table in respect....” to -- of the first table in respect--.

In claim 4; on page 5, line 8; change the dependency from “....means including a table storing....” to -- means including a second table storing --.

In claim 4; on page 5, line 11; change the dependency from “....wherein the table includes a listing” to -- wherein the second table includes a listing --.

In claim 4; on page 5, line 18; change the dependency from “....in use in the table” to -- in use in the second table --.

In claim 7; on page 7, line 2; change the dependency from “....including the table of protocols” to -- including the first table of protocols--.

In claim 7; on page 7, line 5; change the dependency from “....wherein the table includes a listing” to -- wherein the first table includes a listing --.

In claim 7; on page 7, line 16; please insert “said managing means including a second table storing information indicative of a correlation between each network route, the total

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available bandwidth, and the bandwidth now in use, wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use.”

In claim 7; on page 7, line 21; change the dependency from “...of the protocols of the table in respect...” to -- of the protocols of the first table in respect--.

In claim 9; on page 9, line 4; change the dependency from “...preparing the table for storing” to -- preparing the first table for storing --.

In claim 9; on page 9, line 6 ; change the dependency from “....said table of protocols” to -- said first table of protocols --.

In claim 9; on page 9, line 10 ; change the dependency from “....wherein a table including” to -- wherein a first table including --.

In claim 9; on page 9, line 20 ; change the dependency from “... of the protocols of the table in respect...” to -- of the protocols of the first table in respect--.

In claim 9; on page 9, line 24 ; change the dependency from “...information stored in said table, said table....” to -- information stored in said first table, said first table --.

In claim 9; on page 10, line 2 ; please insert --; and-- right after “...transmitting server”.

In claim 9; on page 10, line 3 ; please insert “means for managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for the video content transmission, said managing means including a second table storing information indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use, wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use.”

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In claim 10; on page 10, line 10 ; change the dependency from "... a table of protocols...." to -- a first table of protocols --.

In claim 10; on page 10, line 13 ; change the dependency from "... wherein the table...." to --wherein the first table....--.

In claim 10; on page 11, line 3 ; change the dependency from "... table in respect of" to -- first table in respect of ...--.

In claim 10; on page 11, line 10 ; change the dependency from "...wherein the table includes a listing" to -- wherein the second table includes a listing--.

In claim 11; on page 12, line 3; change the dependency from "...preparing the table for storing" to -- preparing the first table for storing --.

In claim 11; on page 12, line 5 ; change the dependency from "...said table of protocols" to -- said first table of protocols --.

In claim 11; on page 12, line 9 ; change the dependency from "...wherein a table including" to -- wherein a first table including --.

In claim 11; on page 12, line 19; please insert "said managing means including a second table storing information indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use, wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use."

In claim 11; on page 12, line 24 ; change the dependency from "... table in respect of" to -- first table in respect of--.

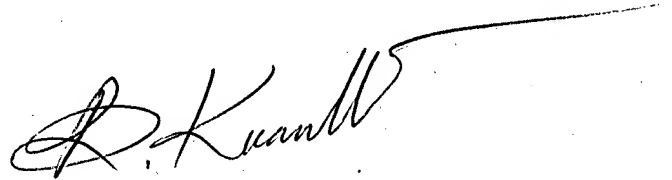
In claim 11; on page 13, line 5 ; change the dependency from "... said table storing a name" to --said first table storing a name--.

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In claim 11; on page 13, line 10 ; change the dependency from "... wherein said table storing information" to -- ... wherein said table storing information --.

In claim 13; on page 13, line 2 and 3 ; change the dependency from "... wherein said network information storing means includes a table storing a name of each network protocol" to -- ... wherein said first table stores a name of each network protocol --.

In claim 13; on page 13, line 5, 6, 7; please delete " wherein said bandwidth information managing means includes a table storing information indicative of a relation between each network route, the total available bandwidth and the bandwidth now in use."

A handwritten signature in black ink, appearing to read "K. Bui", with a long horizontal line extending to the right.

**KIEU-OANH BUI
PRIMARY EXAMINER**

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/18/2007 has been entered.

Remark

2. Claims 2 and 5 have been cancelled, and claims 1, 3-4, and 6-12 are pending for reconsideration.

Allowable Subject Matter

3. Claims 1, 3-4, and 6-12 have been allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The prior arts of record issued to Colby and Nguyen either alone or in combination fails to teach or suggest a video content transmitting system having a plurality of video content transmitting servers and being capable of transmitting requested video contents in response to a request from any of video content play terminals connected via a network to the plurality of video transmitting servers as cited in claim 1, and similarly in claims 4, 7 and 9-11, wherein the system including first and second table of protocols for facilitating communication for each combination of one of the plurality of said video content transmitting servers and one of the plurality of said video content play terminals, the *first table* includes a listing of the plurality of

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network protocols, the plurality of video content transmitting servers, and the plurality of video content play terminals, and indicates a correlation between each of the plurality of protocols and a corresponding combination of one of the plurality of said video content transmitting servers and one of the plurality of video content play terminals, and wherein each of the plurality of protocols is specified for a corresponding network route for video content transmission between each of the plurality of video content transmitting servers and each of the plurality of video content play terminals; and means for selecting a video content transmitting server from the plurality of video content transmitting servers based on a protocol determination of the protocols of the *first table* in respect of the video content play terminal issuing the request to thereby determine the video content transmitting server capable of transmitting said requested video contents to the video content play terminal requesting said video content transmission; and means for *managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for the video content transmission, said managing means including a second table storing information indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use, wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use.* Colby and Nguyen do not teach or address each and every feature of the claiming invention.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:
(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal flourish extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
Oct. 05, 2007